

Notice of Allowability

Application No.

09/833,038

Examiner

James A. Reagan

Applicant(s)

NAKAI ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on 06 March 2006.
2. ☒ The allowed claim(s) is/are 1-21 and 25-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 06 March 2006.
2. Claims 1-9, 11, 15-17, and 21 have been amended.
3. Claims 25-28 have been added.
4. Claims 22-24 have been canceled.
5. Claims 1-21 and 25-28 are currently pending and have been examined.

Allowable Subject Matter

6. Claims 1-21 and 25-28 are allowed. See Reasons for Allowance under separate heading.

Reasons For Allowance

7. The following is an Examiner's statement of reasons for allowance:

None of the art of record, taken individually or combination, disclose at least the method step or system components of:

- *wherein the image processing device is an image forming apparatus, a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus.*

More specifically, the prior art of record fails to disclose an image processing device including a plurality of elements (e.g., a scanner, a printer, and a communication unit), where

basic operations of the image processing device are executed by controlling these elements via the first program. There is also provided a second program, which is a subroutine of the first program and with which an additional operation(s) that is different from the basic operations becomes available via element(s) that can execute the basic operations via the first program; and the second program is activated to become permanently accessible in response to a releasing key operation. Moreover, it has been clarified that the image processing device is an image forming apparatus, a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus. Independent Claims 1, 5, 9, and 15 are distinguished over the closest prior art of Morishita, which teaches a structure for protecting system resources. As recited in independent claims 1, 5, 9, and 15, it is clear that the Applicant's invention is distinguished over the Morishita invention in at least the method step and/or system component *of wherein the image processing device is an image forming apparatus, a combination of the image forming apparatus and a peripheral device realizes an image forming system, wherein the first program is a program that controls the image forming apparatus and the second program is a program that controls the peripheral device that works with the image forming apparatus.*

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - Koichi et al. (JP 09-154001) discloses operations of facsimile equipment.
 - Perritt, *Knowbots, Permission Headers, and Contract Law* discloses rendering of digital images.

Art Unit: 3621

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **James A. Reagan** whose telephone number is **571.272.6710**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **571.272.6712**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 [Official communications, After Final communications labeled "Box AF"]

571-273-8300 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window:**

Randolph Building

401 Dulany Street

Alexandria, VA 22314.

JAMES A. REAGAN

Primary Examiner

Art Unit 3621

03 August 2006

**JAMES A. REAGAN
PRIMARY EXAMINER**

